



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 24544550

Date: JAN. 24, 2023

Appeal of Vermont Service Center Decision

Form I-485, Application to Adjust Status of a U Nonimmigrant

The Applicant seeks to become a lawful permanent resident (LPR) under section 245(m) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(m) based on her “U-1” nonimmigrant status as a victim of qualifying criminal activity. The Director of the Vermont Service Center denied the Form I-485, Application for Adjustment of Status of a U Nonimmigrant (U adjustment application), concluding that the record did not establish that the Applicant had submitted copies of all passport pages, as required. The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo’s, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

USCIS may adjust the status of a U nonimmigrant to that of an LPR if, among other requirements, the U nonimmigrant has been physically present in the United States for a continuous period of three years since the date of admission as a U nonimmigrant. Section 245(m)(1)(A) of the Act; 8 C.F.R. § 245.24(a)(1). U adjustment applicants must provide, among other requirements, a photocopy of all pages of all passports valid since the date of admission as a U nonimmigrant or, in the alternative, an equivalent travel document or a valid explanation of why they do not have a passport. 8 C.F.R. § 245.24(d)(5).

II. ANALYSIS

The Applicant was granted U-1 status from February 17, 2017, until February 16, 2021, and timely filed a U adjustment application in August 2020. The Director issued a request for evidence (RFE) noting that the Applicant had not established continuous presence in the United States for a period of three years, had not provided all pages of her current and expired passports, and had not submitted a medical examination. In response, the Applicant submitted proof of continuous presence, a medical examination, and additional photocopies of passport pages.

The Director denied the application, finding that the Applicant had submitted sufficient proof of continuous physical presence and a completed medical examination but had not complied with 8 C.F.R. § 245.24(d)(5). Specifically, the Director found that the Applicant did not provide complete copies of a passport valid from 2012 to 2017, or of the current passport valid from July 2018 to July 2023. The Director noted the inner front page and page one were missing from both passport submissions. On appeal, the Applicant submits a complete copy of her current passport and the prior passport valid through November 2017, including the previously-missing inner cover and page one photocopies. Because this evidence is directly relevant to the Director's ground for denial of the Applicant's U adjustment application, we will remand the matter for further consideration of whether the Applicant has satisfied the requirements of 8 C.F.R. § 245.24(d)(5) and otherwise established eligibility for adjustment of status to that of an LPR under section 245(m) of the Act.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.